

REMARKS

This communication is in response to the Office Action mailed on July 31, 2008. In the Action, claims 1-56 were pending, but claims 12-22 and 52-56 were withdrawn. With this amendment, claims 12 and 52 have been amended to include the same features of elected claim 23, while removing the language to the non-elected feature. Full reconsideration of all claims as presently amended is respectfully requested, and in particular, the status of claims 12-22 and 52-56 be returned to "pending".

Before addressing the rejections raised in the Office Action, it is first noted that all the pending computer readable medium claims have been amended in the preambles to recite "computer readable storage medium", which is believed preferred in U.S. practice. Support for this language is found in the Specification at least at page 13, lines 11-23.

Applicants have also amended claim 23 to correct the antecedent basis of an element recited therein.

Claims 1-11 and 23-51 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 12-21 and 52-56 also have the cited language. Specifically, the Office Action asserts that use of the term "modality dependent" is considered new matter. With respect to claim 1, Applicants have deleted the term with respect to "modality dependent controls" because it is not believed necessary. Claim 1 covers the embodiment shown in Figure 7 and discussed, for example, at page 28, line 29 - page 31, line 23. However, with respect to "modality dependent attributes" as used in the second element of claim 1, Applicants

respectfully believe this is properly supported. At page 28, line 29 - page 29, line 22, it is clear that there are attributes related to visual renderings and other attributes related to recognition and audible prompting. These are thus clearly two forms of modalities, and thus, use of the term "modality dependent attributes" is clearly supported by the specification.

Claim 12 covers the embodiment of Figure 8, described at page 31, line 24 - page 32, line 29. Here it is stated that there are visual controls 302 and a "new" set of controls 306 related to recognition and audible prompting. These are thus clearly two forms of modalities, and thus, use of the term "modality dependent attributes" is clearly supported by the specification.

With respect to claim 23 and 52, which each read on the embodiment of Figure 9, applicants have removed the language to "modality dependent" and instead refer to a "first modality of interaction" and a "second modality of interaction". This language is clearly supported by page 33, lines 30-34, where the specification states "The controls 306 provide a new modality of interaction (i.e. recognition and/or audible prompting) for the user of the client device 30" (emphasis added).

In view of the foregoing, the rejection under 35 U.S.C. 112, first paragraph should be withdrawn.

The Office Action next reports that claims 1-11 and 23-51 were rejected under 35 U.S.C. 112, second paragraph, for use of the term "directly related" and "directly from".

Applicants first incorporate all the arguments made in Applicants' last response. The Office Action asserts that the word "direct" that gives rise to indefiniteness. Applicants respectfully disagree. The invention as recited by the claims

includes "controls" that are used by an application author to write and specify an application that will generate client side markup executable on a client device. The attributes of the controls allow the author to specify, for example, the text that will be prompted to the user. The prompt to the user is very application specific, for example, like "What airport do you want to fly to?" This prompt must eventually be played to the user on the client device; however, the client device executes client side markup. Hence, there is a "direct" relationship between the attributes of the control, to what is incorporated in the client side markup, and what is then rendered to the user.

In view of the discussion above, Applicants respectfully submit that use of the word "direct" is definite, accurate and clear as used in the independent claims 1 and 12 23 as required by § 112, second paragraph. It should be noted that in independent claims 23 and 52 the word has been deleted in an effort to advance prosecution and find agreeable terminology.

Claims 1-2, 4-8, 12-13, 15-19, 23-24, 26-30 and 52 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Dantzig. Of these claims, 1, 12, 23, and 52 are independent claims. In view of the clarifying amendments and remarks made herein, the Applicants respectfully submit that each of the claims rejected here under § 102(e) are in condition for allowance.

As amended, claims 1, 12, 23, and 52 each recite, either as instructions or as a method, a set of controls that are defined on an authoring page for a website and processed by a module to create client side markup for use by a client in a client/server system. The controls of claim 12 are modality dependent. Claim 12 recites first and second modality dependent controls, with the first set of controls being visual controls

having attributes directly related to defining visual renderings on the client device. The second set of controls have attributes directly related at least one of recognition and audible prompting. In each of claims 12, 23, and 52, various attributes are recited to indicate with specificity the type of attributes that are included in the controls. In claims 1 and 12, a module is recited that generates, using modality dependent attributes provided directly from the controls, client side markup for use by a client browser in a client/server arrangement. The exact claim language and scope varies in each of the independent claims, but each of these claims have these features recited. Thus, the authoring page creates and/or includes controls that have information related to the desired rendering and are modality dependent. As indicated above, independent claims 23 and 52 use alternative language for defining different types of modalities and does not use the word "direct", but nevertheless is believed allowable.

By contrast, the Dantzig reference teaches IML input files that, as the Applicants have pointed out previously, are modality independent. The Office Action argues that Dantzig generates modality dependent markup at *some point*. However, the independent claims recited in the present application indicate that modality dependent controls are provided to a module, which is configured to create client side markup directly attributes provided directly from the modality dependent controls. Dantzig fails to teach or suggest controls of the type recited in the independent claims. Instead, Dantzig teaches modality independent IML input files. In col. 7, Dantzig teaches that the IML files are parsed. The result of this parsing process is a plurality of "intermediate files". These files apparently are then mapped "to appropriate modality-specific representations using suitable transformation rules." In other words, Dantzig teaches that it is

necessary to apply "transformation rules" to convert the IML files to a modality-specific representation. The Applicants respectfully submit that this teaching indicates that Dantzig does not, in fact, provide modality dependent controls of the type recited in the independent claims.

The Office Action argues on page 12 that Dantzig eventually generates modality-dependent markup and that is all that is required to anticipate the independent claims. Applicants respectfully disagree. Each of the independent claims have recited features that identify instructions and or methods that create specific types of controls that are to be executed on a particular type of model to generate client side markup. Applicants agree that client side markup can be generated in a number of different ways. However, the independent claims recite specific ways to generate client side markup and Applicants submit that the features recited in claims 1, 12, 23 and 52 are not taught or suggested by Dantzig. Therefore, Applicants submit that these independent claims, are not anticipated by Dantzig. In addition, claims 2, 4-8, 13, 15-19, 24, and 26-30, all of which depend directly or indirectly from one of the independent claims listed above are believed to be allowable over Dantzig for at least the reason that they depend from allowable claims. Withdrawal of the rejection is respectfully requested.

Claims 3, 9-11, 14, 20-22, 25, 31-46, and 53-56 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dantzig in view of U.S. Pat. No. 6,269,336 of Ladd et al. (hereinafter "Ladd"). Each of these claims is dependent directly or indirectly on one of the independent claims 1, 12, 23, and 52, which as discussed above, are believed to be allowable. Applicants submit that each of these claims is thus allowable based at least upon their dependency on an allowable claim. Withdrawal of the rejection is respectfully requested.

Claims 47-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dantzig in view of Ladd and further in view of "WCW SpeechObjects Specification V1.0". Each of these claims is dependent directly or indirectly on independent claim 23, which as discussed above, is believed to be allowable. Applicants submit that each of these claims is thus allowable based at least upon their dependency on an allowable claim. Withdrawal of the rejection is respectfully requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

In view of the foregoing, applicants respectfully request reconsideration of the application as amended. Favorable action upon all claims is solicited.

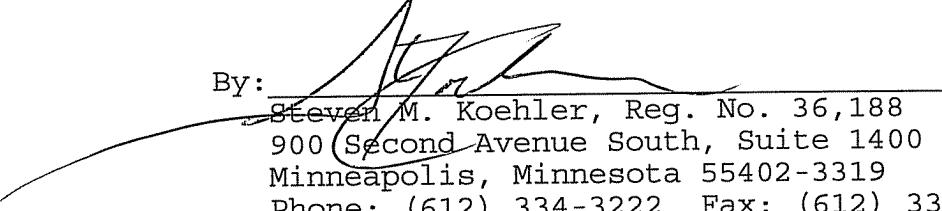
Applicant hereby requests an extension of time to respond to the Office Action. An online charge authorization for the extension of time fee and extra claim charges is enclosed.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:


Steven M. Koehler, Reg. No. 36,188
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

SMK:dkm